United Nations A/57/389

General Assembly

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9 September 2002

Original: English

Fifty-seventh session
Items 8 and 118 of the provisional agenda*

Adoption of the agenda and organization of work: reports of the General Committee

Pattern of conferences

Letter dated 9 September 2002 from the Chairman of the Committee on Conferences to the President of the General Assembly

I am writing in connection with the provisions of section I, paragraph 7, of General Assembly resolution 40/243, according to which no subsidiary organ of the General Assembly may meet at United Nations Headquarters during a regular session of the Assembly unless explicitly authorized by the Assembly. Those subsidiary organs that wish to meet during a regular session of the Assembly submit their requests through the Committee on Conferences.

I wish to inform you that the Committee on Conferences has received requests from the Committee on Relations with the Host Country, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Executive Board of the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to meet in New York during the main part of the fifty-seventh session of the General Assembly. The Committee on Conferences itself also wishes to meet during this time.

The Committee on Conferences, having carefully considered these requests and the reasons for them, does not object, on the strict understanding that such meetings would have to be accommodated within available facilities and services, so that the activities of the General Assembly itself are not adversely affected. The chairpersons of these bodies will also be informed of the statistics relating to their utilization of conferences services in the past. If the benchmark figure of 80 per cent

* A/57/150.

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was not reached in the previous year, the Committee on Conferences will express its concern and make proposals for improvement.

Accordingly, I should be grateful if the General Assembly would explicitly authorize the Committee on Relations with the Host Country, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Executive Board of the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Committee on Conferences to meet in accordance with their requests, subject to the conditions referred to in the foregoing paragraph.

(*Signed*) Andrius **Namavicius**
Chairperson
Committee on Conferences

United Nations A/57/390

General Assembly

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Fifty-seventh session
Item 119 of the provisional agenda*
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 9 September 2002 from the Secretary-General to the President of the General Assembly

1. At present 16 Member States are in arrears under the terms of Article 19 of the Charter of the United Nations, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (2000 and 2001) are as follows:

Member States	*Minimum payment (United States dollars)*
Burundi	46 238.00
Central African Republic	297 002.00
Chad	11 009.00
Comoros	720 638.00
Georgia	6 728 057.00
Guinea-Bissau	435 838.00
Iraq	12 300 858.00
Kyrgyzstan	201 909.00
Liberia	1 066 565.00
Mauritania	11 331.00
Niger	326 683.00

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Member States	*Minimum payment (United States dollars)*
Republic of Moldova	2 425 258.00
Sao Tome and Principe	566 238.00
Somalia	967 538.00
Tajikistan	1 813 588.35
Vanuatu	5 938.00

(*Signed*) Kofi **Annan**
Secretary-General

United Nations A/57/390/Add.1

General Assembly

Distr.: General
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Fifty-seventh session
Item 119 of the provisional agenda*
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 12 September 2002 from the Secretary-General to the President of the General Assembly

Further to my letter dated 9 September 2002 (A/57/390), I have the honour to inform you that Mauritania has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter of the United Nations

(*Signed*) Kofi **Annan**
Secretary-General

* A/57/150.

02-58769 (E) 120902

United Nations A/57/390/Add.2

General Assembly

Distr.: General
18 September 2002

Original: English

Fifty-seventh session
Item 119 of the provisional agenda*
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 18 September 2002 from the Secretary-General to the President of the General Assembly

Further to my letters dated 9 and 12 September 2002 (A/57/390 and Add.1), I have the honour to inform you that Chad has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter of the United Nations.

(*Signed*) Kofi **Annan**
Secretary-General

* A/57/150.

02-59507 (E) 180902

United Nations A/57/391

General Assembly

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10 September 2002

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Fifty-seventh session
Item 41 of the provisional agenda*
Final review and appraisal of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s

Letter dated 4 September 2002 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the General Assembly

The Permanent Missions of Algeria, Egypt, Nigeria, Senegal and South Africa to the United Nations, representing the initiators of the New Partnership for Africa's Development (NEPAD), in cooperation with the Permanent Mission of the Netherlands, and supported by the International Peace Academy (IPA), organized a policy forum on NEPAD in New York on 16 July 2002.

The objective of this meeting was to inform the United Nations community about NEPAD in order to facilitate preparation of the high-level plenary meeting of the General Assembly to consider how to support NEPAD, which is scheduled for 16 September 2002.

I have the honour to transmit herewith the summary and the main recommendations of this policy forum, as drafted by the International Peace Academy (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly for the high-level plenary meeting.

A full report of the policy forum will be published shortly by the International Peace Academy.

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom
of the Netherlands to the United Nations

* A/57/150.

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Annex

The New Partnership for Africa's Development: African initiative, new partnership?

Policy forum on the New Partnership for Africa's Development

International Peace Academy
in cooperation with the Permanent Missions of Algeria, Egypt, the Netherlands, Nigeria, Senegal and South Africa to the United Nations

New York, 16 July 2002

Purpose of the policy forum on the New Partnership for Africa's Development

As a preparation for the United Nations General Assembly high-level plenary meeting on the New Partnership for Africa's Development (NEPAD), scheduled for 16 September 2002, the Permanent Missions of Algeria, Egypt, Nigeria, Senegal and South Africa to the United Nations, in partnership with the Permanent Mission of the Netherlands to the United Nations and the International Peace Academy (IPA), hosted a meeting on NEPAD in New York on 16 July 2002. The purpose of the meeting was to inform and focus the attention of the broader United Nations community on NEPAD in order to facilitate a concrete outcome of the September 2002 General Assembly meeting. The meeting was attended by 150 participants, among which were many Permanent Representatives to the United Nations and representatives from the United Nations Secretariat and United Nations organizations, as well as several representatives from the private, non-governmental and academic sector.

The NEPAD policy forum focused on three main themes, namely NEPAD's potential for growth, the need for regional relationships and obstacles to the success and implementation of NEPAD. Led by Professor Ibrahim Gambari, Under-Secretary-General of the United Nations and Ambassador Said Djinnit, Interim Commissioner of the African Union, the first theme addressed NEPAD's relationship with the United Nations and the African Union. Next, Ambassador Dirk Jan van den Berg, the Permanent Representative of the Netherlands to the United Nations, facilitated presentations by NEPAD focal point representatives on democracy, governance, peace and security; economic and corporate governance; infrastructure and information technology; health and education; and agriculture and market access. The NEPAD focal point representatives appear in the enclosure. Finally, Ambassador Ellen Johnson-Sirleaf, former Director of the Regional Bureau for Africa of the United Nations Development Programme (UNDP), led discussions on perspectives from NEPAD's implementing partners: the Group of 8 (G8),[1] UNDP, the World Bank and civil society on opportunities and obstacles facing NEPAD. The representatives of these groups appear in the enclosure. Professor Adebayo Adedeji, Head of the Civil Service of the Federation, Director of the African Centre for Development and Strategic Studies in Nigeria, delivered the

[1] The G8 includes: Canada, France, Germany, Italy, Japan, the Russian Federation, the United States of America and the United Kingdom of Great Britain and Northern Ireland.

keynote address, which provided a retrospective on and lessons from past programmes of development and regional integration.

The plan of action of the New Partnership for Africa's Development

The NEPAD plan of action focuses on democracy, governance and peace and security; economic and corporate governance; infrastructure and information technology; human resource development (notably, health and education); and agriculture and market access. By placing emphasis on these five priorities, NEPAD leaders aim to spur Africa's development after decades of extremely disappointing progress due to both external factors (such as the legacies of the colonial period and the Cold War) and domestic factors (lack of sound governance, economic policies and management; destructive conflicts).

Overall, participants at the policy forum welcomed the NEPAD initiative. Several participants emphasized that, compared to previous initiatives, NEPAD stands a better chance of implementation, since, with the end of the Cold War, a new generation of African leaders has emerged who are willing to embrace sounder approaches to governance and economic policy. At the same time, a number of critical issues were raised at the policy forum. The participants emphasized that the critical components for NEPAD's success lie in strong domestic, regional and international partnerships and the fulfilment of promises. Specifically, the African Peer Review Mechanism, strong alliances with civil society and the private sector, integration with the African Union, and a new relationship with the international community's donors and the G8 all hold the keys for Africa's development. The discussion on each of these themes is summarized below.

The African Peer Review Mechanism of the New Partnership for Africa's Development

NEPAD's African Peer Review Mechanism, which will serve as a means through which African leaders can monitor compliance with NEPAD's principles of political and economic governance, is still evolving. Some doubts were raised about the ability and willingness of African leaders to implement NEPAD's voluntary African Peer Review Mechanism[2] effectively in order to monitor the economic and political performance of their peers. Concerns were raised that African leaders may be unwilling to impose politically divisive sanctions on their fellow heads of State, thus weakening the credibility of the Mechanism. Fears were also expressed that external actors could attempt to use the Mechanism to sanction leaders selectively or could become a means through which donors could impose collective penalties on Africa in cases where leaders who are rejected by external actors are not sanctioned by their African peers.

[2] The voluntary nature of the African Peer Review Mechanism is noted in *The New Partnership for Africa's Development* (NEPAD), *The African Peer Review Mechanism (APRM)*, paras. 1 and 5 (available on http://www.nepad.org/Doc006.pdf, 22 July 2002).

Relationship of the New Partnership for Africa's Development with civil society and the private sector

Several participants at the New York meeting observed that African civil society organizations were not involved in the planning and presentation processes of NEPAD. They further noted that there was a dearth of information about NEPAD's goals and activities outside of its secretariat and among key implementing Governments. Several participants emphasized the importance of better engagement between NEPAD leaders and civil society groups. However, participants noted that civil society groups also have a responsibility to engage both NEPAD and the African Union, and must find innovative ways of creating partnerships among themselves.

In contrast, it was noted that Africa's private sector has, thus far, responded favourably to NEPAD, as was evident by their participation at the conference on financing NEPAD, held in Dakar from 15 to 17 April 2002, and at the World Economic Forum's Southern Africa Summit, held from 5 to 7 June 2002, in Durban, South Africa.

The relationship between the New Partnership for Africa's Development and the African Union

NEPAD and the African Union have often been viewed as separate initiatives. To ameliorate this situation, several participants suggested that leaders and officials of NEPAD and the African Union must articulate both their relationship to each other and the mechanisms through which NEPAD can function effectively as a development programme within the African Union.

The New Partnership for Africa's Development and the international community

NEPAD distinguishes itself from past development plans through its explicit emphasis on African ownership of ideas and its commitment to upholding the norms of democratic governance and market policies, in parallel with a partnership with the G8 and other bilateral and multilateral donors, inter alia, the World Bank and UNDP.

The G8

Canada, as current chair of the G8, informed the forum that the G8 summit in Kananaskis, Canada, in July 2002, pledged development assistance while insisting on the simultaneous fulfilment of promises of economic and democratic reform. Specifically, the G8 pledged that at least half of the amount earmarked at the International Conference on Financing for Development, held in March 2002, in Monterrey, Mexico, that is, $12 billion by 2006, could be directed to African States that upheld the NEPAD principles.[3] At the same time, the G8 has stressed that its Africa Action Plan is not a "Marshall Plan", but rather, a political document whose fulfilment depends on the contribution that the African Peer Review Mechanism can make to implement commitments of economic and political reform.

[3] *G8 Africa Action Plan*, para. 9, Government of Canada (available from: http://www.g8.gc.ca/kan_docs/afraction-e.asp, 16 July 2002).

The United Nations Development Programme

UNDP indicated that it is helping to facilitate NEPAD's relationship with civil society and to encourage investment by non-G8 donor countries. Recently, UNDP sponsored the Conference of African Parliamentarians, held in Accra, Ghana, in April 2002, organized by the Africa Leadership Forum on Regional Strategic Initiatives in Africa. In October, UNDP will sponsor a Forum of African parliamentarians on NEPAD, in Cotonou, Benin. To broaden the participation of the private sector, UNDP will be sponsoring a forum on financing African development in New York, in September 2002.

The World Bank

The World Bank's representative drew attention to the World Bank's 2000 publication, *Can Africa Claim the 21st Century?*, which had highlighted the fact that structural adjustment programmes did not generally yield the expected development. As a result, the World Bank has begun to engage in Africa in a more consultative, integrative and regional fashion. The increasingly participatory approach is reflected in the Poverty Reduction Strategy Papers (PRSP), which are prepared by Governments in partnership with civil society and development entities and currently support $3.5 billion of development projects in Africa annually. The Bank has increasingly endorsed a more regional approach to development, a recognition that the small size of several African States render country-based programmes inefficient, especially in the area of infrastructure development, trade facilities and HIV/AIDS programmes. Indeed, NEPAD's emphasis on regional development will greatly facilitate the work by the World Bank.

Policy recommendations

The participants at the policy forum provided recommendations that would support NEPAD in addressing the issues raised regarding adequate information, inclusion of regional entities, obstacles to an effective peer review and the credibility of commitments on behalf of the G8 and the African States.

More information about the New Partnership for Africa's Development

While NEPAD was generally welcomed as an important and bold initiative, it was also recognized that many Governments, regional organizations, and civil society actors within and outside Africa as yet do not have sufficient information about it. This could weaken opportunities for building a constituency for the plan. On a positive note, with Africa's private sector publicly supporting NEPAD's economic objectives, the plan holds a reasonable chance of attracting some of the domestic and external capital urgently needed to spur economic growth in Africa. But, NEPAD's leaders and secretariat officials also need to consult non-governmental actors such as NGOs, labour movements, and churches.

Securing the integration of the New Partnership for Africa's Development into the African Union?

While it is clear to many African leaders that NEPAD is a programme of the African Union, the establishment of the NEPAD secretariat in Midrand, South Africa, conveys to some the impression of a dual process — African leaders must urgently correct this perception. Indeed, through the African Union, NEPAD can reach more organizations and thereby increase its constituency. Similarly, through the success of NEPAD, the African Union can begin to build a track record of development and can fulfil its promise. Most importantly, the African Union must secure the implementation of its own goals of economic integration and political unity and ensure that the capacities of its institutions such as the Peace and Security Council, the Pan-African Parliament and the Economic and Social Council are strengthened to achieve these objectives.

Ensuring the effectiveness of the African Peer Review Mechanism

Some African leaders have committed themselves to monitoring each other's performance through the establishment of the voluntary African Peer Review Mechanism. Significantly, only States that subscribe to the peer review will be subject to its rulings.[4] The rules and oversight institutions of NEPAD's mechanism are still evolving. Under the present proposal, the African Peer Review Mechanism will reward States that uphold the norms of free markets and democratic policies. Yet, African States have not resolved whether and how they should impose sanctions on resisting States. Importantly, the G8 has clearly stated that its support for the NEPAD plan will depend on the ability of African leaders to keep their commitments to economic and political reforms. African leaders, for their part, have stressed that only the speedy provision of tangible benefits promised by the G8 and other donors can ensure the fulfilment of NEPAD's goals.

The African Peer Review Mechanism has the potential to become the most important component in ensuring the success of NEPAD. In order to ensure the mechanism's effectiveness, African leaders should establish objective criteria by which the international community can judge whether NEPAD's "good governance" commitments are being met.

Relationship of the New Partnership for Africa's Development with the G8 and the wider international community

The G8 has stressed that its support for NEPAD is contingent on the adherence of African leaders to NEPAD's principles. African leaders are urged to commit to democratic and economic reforms in the face of constraints such as weak institutions and the destructive effects of HIV/AIDS, civil conflicts and a crippling debt burden. However, many Africans, both leaders and citizens, remain sceptical about the willingness of the G8 to fulfil its commitment to NEPAD, given competing demands on resources. Given the importance for all stakeholders to understand clearly the

[4] NEPAD, *The African Peer Review Mechanism*, paras. 1 and 6.

substance of the evolving partnership between Africa and its donors, the G8 should outline more concretely the details of its commitment to NEPAD.

Several participants signalled that Africa must reverse its continuing dependence on the industrial nations for aid and investment. Instead, resources for development must come increasingly from domestic sources. Specifically, these participants noted that Africa could spur development through reducing financial waste and capital flight, ensuring better management of public assets, utilizing resources more efficiently and promoting self-reliance and domestic savings. In this regard, it was suggested that the key sectors of education, health and development of infrastructure should be accorded high priority.

Enclosure

New Partnership for Africa's Development representatives and panel presentations

Mr. Smunda Mokoena, Deputy Director-General, NEPAD Steering Committee, South Africa, "Democracy, Governance, Peace and Security"

Ambassador Isaac Aluko-Olokun, NEPAD Focal Point, Nigeria, "Economic and Corporate Governance"

Mr. Abdou Aziz Sow, NEPAD Focal Point, Senegal, "Infrastructure and Information Technology"

Ambassador M'hamed Achache, NEPAD Focal Point, Algeria, "Health and Education"

Ambassador Ibrahim Ali Hassan, NEPAD Focal Point, Egypt, "Agriculture and Market Access"

Implementing partners and presentations

Ambassador Paul Heinbecker, Permanent Representative of Canada to the United Nations, "NEPAD: a G8 Perspective"

Mr. Abdoulaye Mar Dieye, Country Director, Regional Programme for Africa, UNDP, "NEPAD: a UNDP Perspective"

Mr. Alan Gelb, Senior Economist for Africa, World Bank, "NEPAD: a World Bank Perspective"

Dr. Chris Landsberg, Co-director, Centre for Africa's International Relations, University of the Witswatersrand, South Africa, "NEPAD: a Civil Society Perspective"

United Nations A/57/392

General Assembly

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Fifty-seventh session
Item 7 of the provisional agenda*
Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Note by the Secretary-General**

1. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General has the honour to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal.

2. The matters relative to the maintenance of international peace and security that have been considered during the period since the notification to the General Assembly at its fifty-sixth session (A/56/366) are the following:

1. The situation concerning the Democratic Republic of the Congo.
2. Security Council resolution 1160 (1998) of 31 March 1998.
3. The situation in East Timor.***
4. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea pursuant to resolution 1353 (2001), annex II, section A.
5. Threats to international peace and security caused by terrorist acts.

* A/57/150.

** In view of the fact that the Security Council convened a high-level meeting on 11 September 2002 to pay solemn tribute to the memory of the victims of the terrorist acts of 11 September 2001, the reporting period covered by the present notification is from 1 September 2001 to 11 September 2002.

*** Prior to the 4041st meeting, held on 3 September 1999, this item had been formulated as "The situation in Timor".

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6. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Sierra Leone pursuant to resolution 1353 (2001), annex II, section A.

7. The situation between Eritrea and Ethiopia.

8. Briefing by His Excellency Mr. Nebojša Čović, Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia.

9. The situation in Sierra Leone.

10. The situation in Angola.

11. The situation in Burundi.

12. The situation in Bosnia and Herzegovina.*

13. The situation in the Central African Republic.

14. The situation in the former Yugoslav Republic of Macedonia.

15. Security Council resolution 1054 (1996) of 26 April 1996.

16. Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission pursuant to resolution 1353 (2001), annex II, section A.

17. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

18. Nobel Peace Prize.

19. Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, section A.

20. The situation in Somalia.

21. General issues relating to sanctions.

22. Meeting of the Security Council with the troop-contributing countries to the United Nations Transitional Administration in East Timor pursuant to resolution 1353 (2001), annex II, section A.

23. Briefing by Judge Gilbert Guillaume, President of the International Court of Justice.

24. The situation in Georgia.

25. Women and peace and security.

26. The situation in Liberia.

27. The situation in Afghanistan.

28. Children and armed conflict.

29. Protection of civilians in armed conflict.

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* Prior to the 3647th meeting, held on 4 April 1996, this item had been formulated as "The situation in the Republic of Bosnia and Herzegovina".

30. Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force pursuant to resolution 1353 (2001), annex II, section A.

31. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, section A.

32. The situation concerning Western Sahara.

33. The situation in the Middle East.

34. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

    International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

35. The situation between Iraq and Kuwait.

36. Wrap-up discussion on the work of the Security Council for the current month.

37. Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus pursuant to resolution 1353 (2001), annex II, section A.

38. The situation in Cyprus.

39. The situation in the Middle East, including the Palestinian question.

40. Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/434).

41. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka pursuant to resolution 1353 (2001), annex II, section A.

42. Security Council Working Group on Peacekeeping Operations.

43. The situation in Croatia.

44. Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, section A.

45. Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, section A.

46. The situation in Africa.

47. Briefing by Mr. Ruud Lubbers, United Nations High Commissioner for Refugees.

48. Food aid in the context of conflict settlement: Afghanistan and other crisis areas.

49. The situation in the Great Lakes region.

50. Admission of new Members.

51. Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Bosnia and Herzegovina pursuant to resolution 1353 (2001), annex II, section A.

52. The situation in Guinea-Bissau.

53. United Nations peacekeeping.

54. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

55. International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

56. High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism.

3. In accordance with the procedure set out in the note by the President of the Security Council of 29 August 1996 (S/1996/704), the Secretary-General, in his summary statement of 15 March 2002 on matters of which the Security Council is seized and on the stage reached in their consideration submitted pursuant to rule 11 of the provisional rules of procedure of the Security Council (S/2002/30), informed Member States that, as at 1 January 2002, the Security Council had not considered in formal meetings during the preceding five-year period (1997-2001) the following items (the item numbers correspond to those contained in paragraph 10 of document S/2002/30):

1. The Palestine question.

2. The India-Pakistan question (S/628).

3. The Hyderabad question (S/986).

4. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (S/3963).

5. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378).

6. Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (S/4605).

8. The situation in the India/Pakistan subcontinent (S/10411).

9. Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic

Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409).

10. Complaint by Cuba (S/10993).

11. Arrangements for the proposed Peace Conference on the Middle East.

12. Complaint by Iraq concerning incidents on its frontier with Iran (S/11216).

16. The Middle East problem, including the Palestinian question.

17. Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories (S/12017).

19. The question of the exercise by the Palestinian people of its inalienable rights.

20. The situation between Iran and Iraq.

21. Complaint by Iraq (S/14509).

22. Letter dated 19 February 1983 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/15615).

23. Letter dated 8 August 1983 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/15914).

24. Letter dated 22 March 1984 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/16431).

25. Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/17509).

26. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

27. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/17991);

Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council (S/17992);

Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17993);

Letter dated 15 April 1986 from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council (S/17994).

28. Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/19798).

29. Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/20364);

Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain to the United Nations addressed to the President of the Security Council (S/20367).

31. Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

36. The situation relating to Nagorny Karabakh.

49. Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

61. The situation in the former Yugoslavia.

63. Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council, concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa on 26 June 1995.

64. Shooting down of two civil aircraft on 24 February 1996.

66. Signature of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba).

68. Demining in the context of United Nations peacekeeping.

69. Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council;

Letters dated 23 and 27 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and to the Secretary-General, respectively.

4. Subsequently, in accordance with the procedure contained in document S/1996/704, the Secretary-General received notifications from Member States requesting him to retain items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 49, and 64 as they appear in paragraph 3 above, on the list of matters of which the Security Council is seized.

5. Also, pursuant to the decisions of the Security Council referred to above and in the absence of receipt of any notification to the contrary by 30 April 2002, the remaining items mentioned in paragraph 3 above, that is, items 36, 61, 63, 66, 68 and 69, were deleted from the list of matters of which the Security Council is seized.

6. During the period since the notification to the General Assembly at its fifty-sixth session (A/56/366), the Security Council has not considered at a formal

meeting the following matters relative to the maintenance of international peace and security of which it remains seized:

1. The Palestine question.
2. The India-Pakistan question (S/628).
3. The Hyderabad question (S/986).
4. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (S/3963).
5. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378).
6. Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (S/4605).
7. The situation in the India/Pakistan subcontinent (S/10411).
8. Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409).
9. Complaint by Cuba (S/10993).
10. Arrangements for the proposed Peace Conference on the Middle East.
11. Complaint by Iraq concerning incidents on its frontier with Iran (S/11216).
12. The Middle East problem, including the Palestinian question.
13. Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories (S/12017).
14. The situation in the occupied Arab territories.
15. The question of the exercise by the Palestinian people of its inalienable rights.
16. The situation between Iran and Iraq.
17. Complaint by Iraq (S/14509).
18. Letter dated 19 February 1983 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/15615).
19. Letter dated 8 August 1983 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/15914).
20. Letter dated 22 March 1984 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/16431).

21. Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/17509).

22. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

23. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/17991);

    Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council (S/17992);

    Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17993);

    Letter dated 15 April 1986 from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council (S/17994).

24. Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/19798).

25. Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/20364);

    Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain to the United Nations addressed to the President of the Security Council (S/20367).

26. Central America: efforts towards peace.

27. Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

28. The situation in Cambodia.

29. Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia.

30. The situation concerning Rwanda.

31. The question concerning Haiti.

32. Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol.

33. The situation in Tajikistan and along the Tajik-Afghan border.

34. Security of United Nations operations.

35. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

36. Shooting down of two civil aircraft on 24 February 1996.

37. The situation in Albania.

38. Protection for humanitarian assistance to refugees and others in conflict situations.

39. Civilian police in peacekeeping operations.

40. The situation in the Republic of the Congo.

41. Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council;

    Letter dated 27 March 1998 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council.

42. Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council.

43. The responsibility of the Security Council in the maintenance of peace and security.

44. Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council;

    Letter dated 25 June 1998 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General;

    Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General.

45. Threats to peace and security caused by international terrorist acts.

46. Maintenance of peace and security and post-conflict peace-building.

47. Promoting peace and security: humanitarian activities relevant to the Security Council.

48. Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council.

49. Letter dated 7 May 1999 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council.

50. Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

51. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999).

52. Promoting peace and security: humanitarian assistance to refugees in Africa.

53. Small arms.

54. Role of the Security Council in the prevention of armed conflicts.

55. Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones.

56. Briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans.

57. Maintaining peace and security: humanitarian aspects of issues before the Security Council.

58. The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations.

59. Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa.

60. Briefing by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees.

61. Ensuring an effective role of the Security Council in the maintenance of international peace and security.

62. No exit without strategy.

63. Letter dated 10 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council.

64. Briefing by the Secretary-General.

65. The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone.

66. Strengthening cooperation with troop-contributing countries.

67. Briefing by His Excellency Mr. Mircea Geoana, Minister for Foreign Affairs of Romania, Chairman-in-Office of the Organization for Security and Cooperation in Europe.

68. Peace-building: towards a comprehensive approach.

69. The situation in Guinea following recent attacks along its border with Liberia and Sierra Leone;

    The situation in Liberia;

    The situation in Sierra Leone.

70. Letter dated 4 March 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council.

71. The situation along the borders of Guinea, Liberia and Sierra Leone.

72. The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone;

    The situation in Sierra Leone.

73. Wrap-up discussion on the work of the Security Council for the month of June 2001.

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Fifty-seventh session
Item 67 (v) of the provisional agenda*
General and complete disarmament: the illicit trade in small arms and light weapons in all its aspects

Letter dated 10 September 2002 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to convey to you a letter dated 8 July 2002 addressed to you by Ján Kubiš, Secretary-General of the Organization for Security and Cooperation in Europe (OSCE) (see annex), to which is attached the Model Answer for the OSCE Information Exchange on Small Arms and Light Weapons of 2001, in accordance with decision 9/02 of the Forum for Security Cooperation of OSCE, which is also enclosed.

I would be most grateful if the text of the present letter and its attachments could be circulated as an official document of the General Assembly, under item 67 (v) of the provisional agenda.

(*Signed*) Gonçalo de **Santa Clara Gomes**
Ambassador
Permanent Representative

* A/57/150.

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Annex to the letter dated 10 September 2002 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of the Model Answer for the OSCE Information Exchange on Small Arms and Light Weapons of 2001 (see appendix II), in accordance with decision 9/02 of the Forum for Security Cooperation of the Organization for Security and Cooperation in Europe (see appendix I).

The Model Answer was prepared by the OSCE Conflict Prevention Centre in order to assist the participating States in fulfilling their commitments regarding the June 2001 information exchange, as mandated by the OSCE Document on Small Arms and Light Weapons. The document was designed to support participating States in their efforts to update their submissions of last year. It was based in part on an overview of the June 2001 information exchange, also prepared by the Conflict Prevention Centre at the request of the Forum for Security Cooperation. The overview, which reflected the general trends and patterns in the information shared by participating States, served the dual purpose of informing the Workshop on the Implementation of the OSCE Document, held on 4 and 5 February 2002, and providing useful information to delegations about practices and procedures implemented by the participating States.

I would be grateful if you could ensure that the text of the OSCE Model Answer on small arms and light weapons is distributed to all States Members of the United Nations.

(*Signed*) Ján **Kubiš**

Appendix I

Organization for Security and Cooperation in Europe
Forum for Security Cooperation
362nd plenary meeting

Decision No. 9/02
Provision of the Model Answer for the OSCE Information Exchange on Small Arms and Light Weapons to the United Nations

The Forum for Security Co-operation (FSC),

Recalling paragraph five of the preamble to the OSCE Document on Small Arms and Light Weapons (FSC.DOC/01/00), in which participating States noted the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process in the United Nations on combating the illicit trade in small arms and light weapons in all its aspects,

Recognizing the role played by OSCE participating States in the negotiation of the final United Nations Programme of Action on the Illicit Trade in Small Arms and Light Weapons in all its Aspects, and conscious of the contribution that regional organizations could make to support and foster the implementation of the Programme of Action,

Noting that, as tasked by the Forum for Security Co-operation, the Conflict Prevention Centre (CPC) conducted an Overview of the First OSCE Information Exchange on Small Arms and Light Weapons regarding the 30 June 2001 information exchanges stipulated by the SALW Document (FSC.GAL/9/02) and, in accordance with the recommendations made in the Overview, prepared a Model Answer based on this information exchange (FSC.GAL/39/02),

Recognizing that the Model Answer is an objective and substantive contribution to the implementation of the SALW Document, and that this OSCE tool could be useful to other United Nations Member States in their efforts to fully implement the United Nations Programme of Action and other international commitments on SALW,

Decides,

To task the FSC Chair to request the good offices of the Secretary General for the transmission of the Model Answer to the United Nations, for distribution to its members, with a cover letter which will also provide introductory information of a general character on the Overview.

Appendix II

Organization for Security and Cooperation in Europe
Conflict Prevention Centre
Vienna, 27 March 2002

Model Answer for the OSCE Information Exchange on Small Arms and Light Weapons, 2001

1. Introduction

In accordance with recommendations made in the Overview of the first OSCE information exchange on small arms and light weapons, and as tasked by the Chair of the FSC, this Model Answer for the 2001 information exchange has been designed to provide a basis for a consistent structure for the 2001 information exchange for those participating States which still are to submit their first report. This Model Answer also serves the purpose of a reference model to be compared to national reports by those participating States wishing to provide an update of their first submission.

The following gives a brief review of the main reporting elements which participating States were to provide within the first round of information exchanged under the Small Arms Document. Where possible illustrative examples are given to facilitate reporting.

2. Method of Reporting

Two threshold criteria may be considered in providing information. The first is whether the report explicitly addresses the subject matter. Relevant information on the absence of a State policy is helpful for the information exchange as it makes state policies and reporting explicit. The second concern is whether the information provided is sufficient to contribute to the development of best practices. Important aspect is whether the report provides sufficient information to allow its comparability to the reports of other participating States so that commonalities and/or differences can be observed and communicated to participating States.

3. National Marking Systems:

Information on national marking systems broadly falls into seven categories (in no particular order):

- Marks used on SALW
- Techniques for marking
- State policies in marking unmarked weapons
- National authority in charge of marking
- Whether there is state control over the private sector regarding marking
- Whether State laws or practices influence licensed production outside of the national territory
- Information on the means for tracing weapons, and/or details on record keeping.

3.1 Marks used on SALW

Information about the actual marks placed on weapons provides a means for other states to determine the origin and details of weapons in their possession if they were imported or seized. This reporting also provides the reasons for state marking, what that marking is designed to accomplish, and identifies the primary actors in the marking process. Providing information about formal laws regulating action, as well as non-legislated practices (such as marking traditions in private firms) enables States to determine the relevant authorities and so know whether practices are likely to

change in the future. Matters that should be considered in all submissions, or updates to submissions, include:

- As thorough a discussion of civilian weapons as those possessed by State organs
- What laws or decisions in fact require that such marks be placed on the weapons
- When did such practices come into effect
- Why are certain marks considered mandatory and not others
- Are changes or modifications being made to this system at the present time, and if so, what are the reasons for the proposed changes
- What constitutes a "permanent manner" when marking weapons
- Was the definition of "permanent" arrived at through a process that could be shared with other OSCE member States who may have to cross that bridge in the future
- Are there any lessons learned about developing a marking system and implementing it that could provide guidance for other OSCE member states to save time, money, or political difficulties?

3.2 Techniques for marking

Techniques refer to physical processes of applying marks to weapons. Guidelines for techniques -- such as the marks should be made in a visible and permanent manner, should not substitute for the means of providing the marks. Possible reporting includes stamping, pressing, laser printing, stenciling and embossing (among others). Information provided is not only useful for the overall OSCE information exchange, but can aid other States in developing techniques and finding cost-effective and simple procedures that could be implemented in the future.

3.3 State policies in marking unmarked weapons

All states potentially face the problem of encountering unmarked weapons imported (legally or illicitly) into their territory, whether or not they have armed state organs or manufacture weapons. It therefore follows that all participating States should consider the matter applicable. In some case, reporting on the absence of a policy is equally helpful information for the information exchange.

3.4 National authority in charge of marking

Authorities for marking should be provided. If the authority is centralized, the name of the State organ should be provided, and if the matter is de-centralized, general information on the names of the state (or sub-state) organs and their capacity for independent action should be provided.

3.5 State control over the private sector regarding marking

Private sector practice may or may not be under State control. This information is important because it recognizes the actual authority for decision making about marking and also under whose authority present practice might be altered. Reporting on State control may include the name of the relevant State organ, and if there is no current State control, this information may be provided.

3.6 State laws or practices on licensed production outside of the national territory

Matters of extra-territorial jurisdiction might be addressed by those States who license production of SALW outside State territory.

3.7 Information on the means for tracing weapons, and/or details on record keeping

States should report on whether records are kept, what those records contain, and who has access to the records. Matters of content could include the duration of record keeping, the specific types of data (e.g. weapon type, quantity, etc.), and what laws regulate the management of those records. Access to records is also important because it informs States about their own capacity to trace weapons from another State. Some information on the means by which these records could be accessed by interested parties should be provided, or else States may provide explicit information that the records are not accessible or only through certain authorities under particular conditions.

As record keeping affects all States, it may be worthwhile to provide information about domestic practices, lessons learned, and some comments on what has been found beneficial or detrimental so that other States now developing such systems may avoid mistakes and/or gain from other members' expertise.

4. National Procedures for the Control over Manufacture

Information on national procedures for the control over manufacture broadly falls into four categories (in no particular order):

- Procedures for the issuance of licenses and authorizations
- Review and renewal of licenses
- Procedures for the revocation of licenses
- Prosecution/penalization of illicit manufacture

4.1 Procedures for the issuance of licenses and authorizations

Reporting on procedures concerns the actual process a present or potential manufacturer must undertake to receive a license or authorization. This information should include those details the manufacturer must submit to the authorizing body. Reporting could also address the State system for evaluating those applications. Specifically, this involves the detailing of the application review process (who conducts it, how long the process takes), as well as the criteria used to accept or reject applications. It is also helpful to know what the license allows the manufacturer to do, and for how long.

4.2 Review and renewal of licenses

Once a license has been issued, States may have procedures for reviewing the manufacturer's compliance with the conditions of the license. Reports should explain whether such review systems exist, and if so, how they are implemented. For example, is the process standardized so that reviews take place regularly, or are they conducted only when there is suspicion of wrong-doing?

Furthermore, if licenses are issues for a certain period of time, or else for certain production runs, how might those licenses be renewed, and what is the process the manufacturer undertakes?

Helpful reporting information includes:

- Procedures for renewal
- Relevant authorized bodies to process applications
- Criteria used to accept or reject renewals
- Whether renewals have ever been rejected, and if so, on what grounds
- For how long renewals are active

4.3 Procedures for the revocation of licenses

Concerns here involve the national criteria for electing to revoke a license and the means of implementing that decision. How long does the process take? Can the decision be appealed, and if so, on what grounds?

4.4 Prosecution/penalization of illicit manufacture

Illicit manufacturer involves manufacturing without the needed State authorization. Reporting should explain how States prosecute illicit manufacturers, the State organ or organs that are involved in the process, and what the consequences are for having been found guilty of the action. If different penalizations accompany different actions (e.g. fines vs. imprisonment, etc.), reports might offer some explanation of the system. For the benefit of those States now developing such systems, States with formal procedures may provide information on what systems have been found most advantageous.

5. National legislation and export control policies

In sub-section III(F)2 of the Document, participating States agreed to exchange information on national legislation and current practice in export policy, procedures and documentation, with a view to identifying elements for development of "best practices" in these areas.

The requirement to report on export controls was one of the broadest topics on the first information exchange. Here is a list of questions which participating States provided information on:

- Are OSCE common export control criteria followed?
- Are there other international commitments?
- What types of licenses are issued?
- What is the licensing authority?
- What is the period of validity for licenses?
- Are there licenses for temporary export?
- Any there circumstances in which licenses are not required?
- Is revocation of a license possible?
- What considerations are made for embargoed destinations or areas of concern?
- What is the number of licenses issued per year?

- What is the number of staff engaged in export licensing procedures?
- How long are transfer records kept (years)?
- Are end-use documents required?
- Is there any end-use verification?
- What procedures govern re-transfer?
- Are there provisions of assistance for other states regarding export controls?
- Are there penalties for illegal export?

5.1 OSCE common export control criteria and other international commitments

As part of the OSCE Document, the participating States established and agreed to follow **common criteria governing the export of SALW**. The Document requires that each participating State will ensure that the criteria is reflected in its national legislation and/or national policy documents.

Therefore, participating States should indicate if the OSCE common export criteria are incorporated in national legislation (for example the law governing conventional arms exports, including SALW), or whether the OSCE criteria are incorporated into policy guidelines. Also it is useful to know how the OSCE common criteria is followed in practice.

Participating States should also report on **other international arrangements** they take into consideration before permitting exports. These include the criteria and principles of the EU Code of Conduct, the UN Register on Conventional Arms Transfers, the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group, the Missile Technology Control Regime and various regional initiatives.

5.2 Types of licenses

States should provide a list of the **types of licenses** issued and a brief explanation to each type. Elaboration of the types of licenses issued is very useful as it can be relevantly easy to confuse between different types of licensing systems.

For example: 1. Individual License – authorizes the export of one or several pieces to one recipient upon application .
2. Collective license – authorizes a certain exporter to export a group of equipment to several recipients

Examples of state practice are also welcomed in this section as they could be valuable for other participating States; for example a detailed explanation of a system and procedures for **provisional enquiry** could prove to be very useful for States which are currently renewing their legislation and practice.

5.3 Period of validity, revocation and exceptions

This sections concerns the **period of validity** of different types of licenses, grounds for revoking an issued license as well as any exceptions were a license is not needed at all. This information provides other participating States with a better understanding on state practice on export licensing procedures.

The participating States should provide a brief explanation of the period of validity of each of the types of license issued. It could also be indicated how this period of validity is apparent on each license documentation. This helps for example officials in charge of transits at the boarders.

Revocation of issued licenses concerns mainly the criteria used to revoke a previously issued license, for example revocation in situations where the conditions of the license are no longer met, or the export rules are violated. Information on the implementation would also be helpful: for example how many licenses have been revoked and why? How long does the process take and can the decision be appealed? Is it possible to suspend a license for a certain period of time?

The participating States should provide information on the **circumstances in which a license is not required**. Such exceptions to the main rule could be illustrated with concrete examples such as peacekeeping operations, military training exercises, repairing and delivery of spare parts, private persons on temporary travel with legally owned weapons.

5.4 Number of licenses and members of staff

According to the SALW Document, the **number of government officials** entitled to sign or otherwise authorize export documentation should be kept to a minimum consistent with the current practice of each participating State. To enhance common understanding of practices within the OSCE region participating States should provide information on the average number of staff engaged in export licensing procedures. Information on **the number of licenses** and /or information on total value of goods exported that year is also helpful in understanding state practice.

5.5 End-use, verification and re-transfer

One of the key standards in export control documentation, and in the OSCE Document, is that no export license can be issued without an authenticated **end-user certificate** (EUC) or some other official authorization issued by the receiving state, such as an International Import Certificate (IIC).

Participating States should provide information on what are the main principles determining when an end-user declaration is needed and when is it enough to resort to private declarations, are there circumstances in which an end-user document is not needed, and what is the reasoning behind the chosen state policy.

End use verification measures are essential to ensure that exports are carried out according to the export control rules. Under this section participating States are to provide information whether such a verification system is in place and what kind of procedures it includes.

For example: End use verification is required by law (name of the relevant national legislation). Verification is carried out as random inspections or when there is reason to suspect a violation of export control rules. Individual exports are verified on an ad hoc basis through diplomatic representation overseas.

5.6 Assistance

The Document states that participating States should consider assisting other participating States in the establishment of effective nationals mechanisms for controlling the export of small arms. Under

this section information could be provided on the state policy regarding assistance as well as on the kinds of projects currently undertaken.

For example: bilateral talks, training projects, awareness raising seminars, and co-operation between different foreign authorities such as customs officials, etc.

5.7 Law enforcement and penalties

Under this section reporting should include the relevant national legislation as well as a brief description of the penalties for illegal exports. It would also be useful to provide some information on the state practice.

For example: Procedures of the customs investigations in cases of export violation, the number of cases prosecuted and of what gravity have the export violations been.

6. Control over International Arms Brokering

According to the Document on small arms, the participating States identified the following measures as important in ensuring appropriate regulation of brokering activities at the national level:

a) Registration of brokers operating within their territory;
b) Licensing or authorization of brokering; or
c) Disclosure of import and export licences or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

As described in the Document, "the regulation of international brokering activities is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects". Therefore the following topics were created for the participating States to report on:

- Registration of international brokers working on State territory
- Registration of international brokers who are State nationals, wherever located
- Licences / authorisations for international brokering transactions (Revocable?)
- Reporting requirement for licensed international brokers?
- Exporter required to disclose brokers involved in transaction?
- Penalties for illegal international brokering activities?
- Number of revocations or disbarment of international brokers to date

6.1 Registration of international brokers working on State territory

Under this section information should be provided on the relevant national legislation or policy on registration of international brokers, also reporting on the absence of rules governing this particular topic is relevant. Detailed reporting on procedures would be very helpful since based on the submissions of the 2001 OSCE information exchange various States are in the process of developing national legislation regarding international brokering and would welcome experiences and examples from other participating States.

6.2 Registration of international brokers who are State nationals, wherever located

This topic relates to extra-territorial dimension of regulating international brokering. Reporting should include the relevant criteria used in determining when registration is necessary for State nationals regardless where they are located. Or in cases where State nationals working outside the territory have no legal restraints, it could be explained what are the requirements used when determining when a brokering activity is linked to the territory, i.e. at least one element of the brokering activity takes place on State territory.

6.3 Licenses / authorizations for international brokering transactions

Participating States were expected to report on the types of licensing / authorizing systems in place for international brokering. A brief description of the procedures is preferable. Possibilities for revoking a license and the reasoning should also be reported.

6.4 Reporting requirement for licensed international brokers?

This section regards information on state practice on requirements for international licensed brokers to report regularly to the relevant State organs.

For example: International brokers equipped with general licenses are to report regularly on their activities; or
International brokers are to obtain a license to act as a broker and then a specific license for each individual transaction where upon no additional reporting is required.

6.5 Exporter required to disclose brokers involved in transaction

Under this section participating States should provide information on any requirements for exporters to disclose information on the names and locations of brokers involved in the transaction.

6.6 Penalties for illegal international brokering activities and law enforcement

This section requires information on the penalties stipulated in national legislation for illegal international brokering activities, such could include fines, prison terms or a combination of both.

Law enforcement information gives a better understanding of State practice. Information under this section could include the following: number of revocations, disbarment of international brokers, number of criminal investigations and gravity of the offences.

7. Techniques and Procedures for Destruction

Information on national procedures for the control over manufacture broadly falls into seven categories (in no particular order):

- Techniques for destruction
- Details on record keeping and/or authority for destruction

- Seized or confiscated weapons
- Surplus weapons
- Small arms parts
- Public destruction practices and awareness campaigns
- Assistance to/from other states.

7.1 Techniques for Destruction

Reporting on techniques involves a discussion of the physical process or processes of rendering a weapon permanently inoperable. Such techniques may include smelting, pressing, cutting, shredding or other means of destruction. Particularly useful is the reporting of which weapons types are treated to each applicable technique and why. This information is valuable to other reporting States that may wish to further develop their methods. If States have experiences with destruction techniques that might increase operational safety, cost-effectiveness and reliability, this information would be welcome.

7.2 Details on record keeping and/or authority for destruction

Details on the chain of command for determining the necessity for destruction and conducting weapons destruction should be reported. Identifying the competent authorities increases transparency and allows States to compare practices. Record keeping at each stage of the process should be explained, including what information is recorded, by whom, and where that information is then stored. Helpful information would include how long these records are kept, whether the records are accessible to investigating authorities (domestic and/or foreign) and under what conditions.

7.3 Seized or confiscated weapons

Seized or confiscated weapons are specifically addressed in the OSCE Document on SALW and should be explicitly addressed in all reports. All countries should report on the matter because illicit weapons may potentially be found in any State, and each participating State is expected to have some policy for handling the likelihood. States without destruction capabilities may report on how they plan to address this matter, and those with destruction capabilities may report on the procedures for processing or disposing of such weapons.

7.4 Surplus Weapons

Statistical information on destroyed surplus weapons is one of the topics of the second Information Exchange (2002). However information on State policy regarding surplus weapons could be voluntarily provided in connection with the national report on the 2002 information exchange. It is particularly useful for States to report on the criteria used to determining whether material is surplus, and whether that material should be destroyed. If surplus material is not destroyed, and is sold, transferred or stored, this may be reported including the procedures for conducting these activities.

7.5 Public destruction and public awareness campaigns

Public destruction programmes or events, and public awareness campaigns about weapons destruction should be addressed separately, because awareness campaigns do not only need to address public destruction activities. Providing awareness about weapons seizures, confiscation, and State destruction activities are potentially valuable activities and are worthy of discussion. If public destruction campaigns are not conducted, States should explain whether this is the result of a policy or whether that bridge simply has not been crossed. If awareness campaigns are not conducted, States may consider reporting on whether they may be considered a useful tool in the future.

Finally, the reasoning behind not conducting such programmes is worthy of discussion so that ideas can be exchanged in the discussion over best practices. Ideas on whether present policies may be subject to change would also provide room for political discussion on the matter.

7.6 Assistance to / from other States

Under this section information could be provided on the state policy regarding assistance as well as on the kinds of projects currently undertaken. It may also be helpful to know what form of assistance is available for future considerations (e.g. technical assistance, financial support, national capacity building, etc.)